

**Stevie F. Rushing**

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March 28, 2022

**Via Electronic Mail and Hand Delivery:**

Michael Culleton  
Gainwell Technologies, LLC  
c/o its Registered Agent, C. T. Corporation System  
645 Lakeland East Drive Ste 101  
Flowood, MS 39232

[mculleton@gainwelltechnologies.com](mailto:mculleton@gainwelltechnologies.com)

Amanda Fontenot, JD, CHP  
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Mississippi Division of Medicaid  
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Re: Notice of and Reasons for Filing Petition for Protective Order

All:

On March 16, 2022, Change Healthcare Pharmacy Solutions, Inc. ("Change Healthcare") received notice that Michael Culleton submitted a public records request to the Mississippi Division of Medicaid (the "DOM"), seeking the following information pertaining to the RFP #1628-16-R-RFPR-00009, Mississippi Division of Medicaid, Preferred Drug List (PDL), Supplemental Rebate (SRA), Pharmacy Prior Authorization and Complex Pharmaceutical Oversight Program issued in 2015-2016:

- Technical and Cost Proposals from Change Healthcare
- Contract and all amendments with Change Healthcare

Change Healthcare hereby gives notice to the DOM and Mr. Culleton that Change Healthcare and/or its related or affiliated entities (including, but not limited to, Goold Health Systems, Inc.) intends to seek a protective order from the Chancery Court of Hinds County, Mississippi that precludes Change Healthcare's confidential and proprietary information from being disclosed. *See* Miss. Code § 25-61-9(7).<sup>1</sup>

Change Healthcare desires a protective order because Mr. Culleton's request, if fully responded to, would require the production of documents that contain Change Healthcare's trade

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<sup>1</sup> Change Healthcare provides this pre-petition notice out of an abundance of caution. In doing so, Change Healthcare does not concede that the subject contract constitutes a "procurement contract" for purposes of the Mississippi Public Records Act.

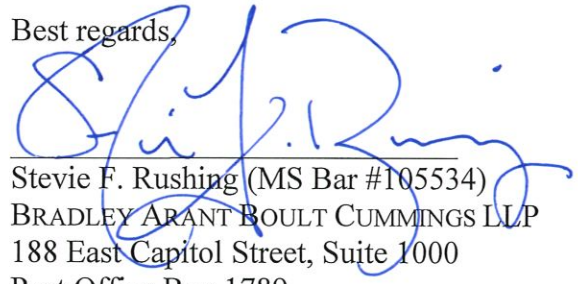
secrets, confidential and proprietary commercial information, and confidential and proprietary financial information. Examples of this information include, but are not limited to, the following:

- confidential and proprietary financial information, including budgets, costs, and expenses;
- confidential information regarding key personnel;
- confidential information regarding current and past clients, including services provided to the same;
- confidential information regarding corporate ownership and structure;
- confidential information regarding trade secrets and proprietary technologies and processes; and
- confidential and proprietary strategies for pricing, staffing, marketing, management, and cost-containment.

This information is exempt from the Mississippi Public Records Act's presumption of accessibility. *See* Miss. Code §§ 25-61-9(1), 79-23-1. Accordingly, the foregoing information and any similar information may not be disclosed. Unless Mr. Culleton withdraws or modifies his request, Change Healthcare will file its petition for a protective order in the Chancery Court of Hinds County, Mississippi on or before April 6, 2022.

**I request the DOM immediately publish this notice on the Mississippi procurement portal in accordance with Mississippi Code § 25-61-9(7).** Further, I request that any questions regarding this notice or the petition be directed to me.

Best regards,



Stevie F. Rushing (MS Bar #105534)  
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*Attorney for Change Healthcare Pharmacy  
Solutions, Inc.*